

Minutes of the Regular Meeting of the City Council of the City of Marion held June 27, 2011 at the City Hall in the Council Chambers. Mayor Butler presided and called the meeting to order at 6:30 P.M. The City Clerk was instructed to call the roll. Those present were as follows:

Commissioners Rix, Rinella, Goss and Patton and Mayor Butler.

Mayor Butler asked Jane Ann Cruse, Director of the Miss River to River Pageant and liaison to the Miss Illinois Scholarship Pageant to be held at the Marion Cultural and Civic Center June 29 thru July 2, 2011, to come forward while he read a Proclamation proclaiming July 2, 2011 as Miss Illinois Scholarship Pageant Day in Marion, Illinois.

Minutes of June 13, 2011 meeting were approved.

Commissioner Rinella made motion to accept the Consent Agenda as presented, subject to availability of funds. Commissioner Rix seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Charles Miller, of Clarida and Ziegler Engineering presented the bids for the Marion Gas Tax Overlay which were as follows:

E.T. Simonds Construction Co.	\$498,955.95
Southern Illinois Asphalt Co.	\$509,008.63
Short Bros. Construction, Inc.	\$489,372.00

Mr. Miller recommended to award the bid to Short Bros. Construction, Inc. as the low bidder, with them having met all the requirements of the bid. Commissioner Goss moved to accept Short Bros. Construction, Inc. bid of \$489,372.00 for the Marion Gas Tax Overlay. Commissioner Rix seconded the bid.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Glenn Clarida of Clarida and Ziegler Engineering presented the bid for the Safeway Routes to School Sidewalk improvements. There was only 1 bid submitted, that being from George E. Jones Excavating LLC in the amount of \$209,521.55. This bid is to build sidewalks from S. Hadfield along the north side of E. Boyton Street west to South Virginia; reconstruct the sidewalk along Virginia Street toward E. Main Street; reconstruct sidewalk on E. Main from Buchanan east to where the culvert goes under E. Main; another section of sidewalk to be constructed is on Jefferson Street from Cunningham for approximately 6 blocks. The bidders had to be pre-qualified by IDOT which eliminated many of the smaller bidders. The City and Schools have received a grant of \$191,930. The grant plus additional amount budgeted for this project, of \$26,000 will fall short of the overall costs by approximately \$8,000. Mayor Butler thought that since the City was receiving that amount of grant money, the City should go ahead with the extra \$8,000. Commissioner Goss made motion to award the bid in the amount of \$209,521.55 conditionally, subject to an eight day waiting period to George E. Jones Excavating LLC. Commissioner Rix seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

RESOLUTION 2011-09 Supplemental Resolution for Improvement by Municipality Under the Illinois Highway Code. Old Bainbridge Trail (From W. Main [Old Rte. 13] to W. DeYoung [New Rte. 13]. The City is required by IDOT to make this resolution.

Commissioner Goss moved to accept Resolution 2011-09 as presented with Commissioner Patton seconding the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

RESOLUTION 2011-10 Obligation Retirement Resolution City of Marion. A Resolution providing for the retirement of certain municipal indebtedness by the use of motor fuel tax funds under the Motor Fuel Tax Law. This is to pay for the 10 year bonds that paid for Old Bainbridge Trail with this being the last year. Commissioner Goss made motion to accept Resolution 2011-10 as presented with Commissioner Rinella seconding the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

City Administrator Gail West told the Council that as of last week the City has taken over operation of the Pavilion. Pending Council approval, three people have been hired; Cynthia Hunt, a Marketing Person; 2 custodians – Jason Rector, who has been a custodian for the Events Commission at the Pavilion and Robert Nundley who is new. All three have been interviewed with background checks conducted on all three. City Administrator West asked for Council's approval to employee these people. The wages are all hourly wages that have been discussed by Council according to the Pavilion budget. Commissioner Rix moved to hire the three people as presented by City Administrator West. Commissioner Rinella seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

In order that Josh Benson, Executive Director, Jared Garrison, Assistant Director and Cindy Hunt, Marketing, would have desks and chairs in their offices to begin work when the City took over operation of the Pavilion June 21, furniture had to be ordered last week. City Administrator Gail West asked that the expenditure for the furniture be approved by the Council. Commissioner Rinella moved to approve the expenditure for the office furniture for the Pavilion. Commissioner Rix seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

City Administrator Gail West presented the Concession Agreement between the City of Marion and John Brown. The agreement was written by City Attorney Steve Green. John Brown currently holds a liquor license with the City of Marion and has provided the City with a Certificate of Insurance for the concession at the Pavilion. The Concession Stand at the Pavilion is only to sell hot dogs, nachos, drinks, etc. It is not for catering dinners or weddings. Commissioner Rinella made motion to accept the Concession Agreement between the City of Marion and John Brown as presented to the Council. Commissioner Patton seconded the motion.

ON ROLL VOTE ALL COUNCIL MEMBERS VOTED YES.

ORDINANCE 2364 CLEAN UP OF CLANDESTINE DRUG LABS (DRUG HOUSES) Commissioner Rix moved to accept Ordinance 2364 as presented. Commissioner Rinella seconded the motion. Commissioner Rix made note to thank Fire Chief Jack Reed for his research and work on helping put the above ordinance together.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Commissioner Rix asked that the Council give formal approval for the purchase of the 10 bullet resistant vests for the P.D. tactical team that were tentatively approved at the last regular Council meeting, but had not been on the agenda for that meeting. The vests cost \$1,420 each, with the funds coming from a grant from the Illinois Public Risk Fund. Commissioner Rix moved to approve the purchase of the vests with Commissioner Rinella seconding the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Commissioner Patton brought before the Council the Wastewater Treatment Plant Chemical Price contract for the year 2011, which should have been approved in January 2011, but somehow was passed over. These are chemicals purchased in bulk that would be over the established spending limit each time they are purchased, so Sewer Superintendent Brent Cain recommended for the Council to approve the quantities and prices for the upcoming year as follows:

Bioxide	\$2.55	per gallon delivered
Bioxide Plus 71	\$2.90	per gallon delivered
OdoFree	\$1.80	per gallon delivered

This pricing will remain in effect until December 31, 2011.

Commissioner Patton moved to accept the above prices. Commissioner Rinella seconded the motion. Commissioner Patton stated this is something that needs to be done each January.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Brian Ziegler of Clarida and Ziegler Engineering reported to the Council that a few weeks ago a portion of the 8" sewer line that runs in front of Washington School down the middle of E. Main Street collapsed. The Sewer Department was able to repair a portion of the line but it is extremely flat and needs to be replaced, not an emergency right now, but it is urgent enough that it can not wait for months planning a project around it. Superintendent Cain had said the sewer line that runs the entire block from Buchanan Street down to the east end of Washington school needs to be replaced. Brent and Brian drew up a couple of plans for the replacement. One that would put the line back down the middle of the street, which would mean tearing up the street and dealing with a lot of traffic control. The other plan is to put the line on the south side of Main Street where the side walk is and where the "Safeway Routes to School Sidewalk Grant" intends to replace that area of sidewalk so the City would not be out the cost of replacing the sidewalk if the sewer line can be laid before the sidewalk construction begins. Upon approval from the Council, Brian Ziegler said they would like to begin work in a couple of weeks, with the labor and equipment contracted out, basically the backhoe work. Some of the labor will be done by the Sewer Dept. with the trucking of the rock done by the Sewer Dept. The City will be purchasing the materials. Commissioner Patton moved to proceed with the work as outlined by Engineer Brian Ziegler. Commissioner Rix seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Commissioner Patton moved to approve payment of the Annual IEPA Discharge Permit in the amount of \$17,500. Commissioner Rinella seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

ORDINANCE 2365 – An Ordinance authorizing The City of Marion, Illinois to make application for a \$1,600,000 Illinois Environment Protection Agency (IEPA) 2011 Sewer System Expansion Loan. This is for the sewer expansion in the northeast (Spring Gardens, Melmar, and Quail Run areas). Commissioner Patton made motion to approve Ordinance 2365 as presented. Commissioner Rinella seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Jim Phemister, Director of Code Enforcement explained the bids to replace the two sections of side walk on the Square, one section running from W. Main Street north to the corner of the Square with the second section picking up from where the new section in front of B.W. Bruce's office ends and continuing west to North Market Street with a handicapped ramp on the end of it just like at the east end in front of B.W. Bruce's. The bid for the sidewalk on the west side of the square is for \$12, 674.00. The other piece of sidewalk continuing west from the new sidewalk in front of B.W. Bruce's west to Market Street is more complicated with part of the old Gym Cafe running out under the sidewalk and with plumbing, electrical and gas lines currently under the

sidewalk. Several different contractors have looked at the area underneath the sidewalk (Old Gym Cafe) area, which will have to be demolished and carried out of the old restaurant before the sidewalk can be demolished, otherwise the concrete would fall in on the restaurant area of the downstairs. One bid is for \$2,580 to demolish everything and carry the debris out through the door of the old restaurant. The second bid is from S & O Mechanicals for \$2,500 to replace the water lines, remove the two water meters currently in the basement and place them on the outside with protection built over the lines to protect them in case the sidewalk should ever fall in. There is also a sprinkler system in the basement, which will have to be cut off and capped. L & K gave a bid of \$200.00 to do that. Also the bricks on the front of the building extend out over the sidewalk, so an eight inch concrete block wall will have to be constructed the length of the building to hold up the sidewalk and keep it from going into the building. The bid for the all the concrete work is \$25,844.00 from Whitehead Construction. Total cost to replace the sidewalk from new sidewalk in front of B.W. Bruce's to North Market is \$31,124. This includes ramps, handrails and tactical strip just like at the east end of the sidewalk in front of B.W. Bruce's. This is in the Hub TIF, so the City would pay for the project, then be reimbursed from the TIF. Commissioner Goss moved to accept the above mentioned bids with Commissioner Rinella seconding the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Mayor Butler suggested the Council skip the next item on the Agenda, Human Resources Director and move on to the appointment of an ADA Coordinator. Mayor Butler reported that a recent article from the Illinois Municipal Review stated that all municipalities with 50 employees or more are required to have an ADA Coordinator as of January 1, 2010. Last year Jane Kidwell and Brian Fisher completed all the compliance for the ADA requirements. The City has met all the ADA codes thanks to Jane Kidwell working at getting all that in place in all the City buildings. Mayor Butler said someone needs to be officially designated the ADA Coordinator and felt it should be Jane Kidwell. Commissioner Rinella thought the ADA Coordinator should come under Brian Fisher's office as Safety Director. City Administrator Gail West said it was more in line with Human Resources. Jane Kidwell is currently on a contractual basis as Human Resources Director. Commissioner Rinella asked why the City didn't post the job as the City had done in the past with other positions? Mayor Butler didn't think that it was necessary to advertise for every position. He thought if you have a person doing the job why not stay with that person. Commissioner Goss thought this should be discussed in Executive Session. Commissioner Patton asked if the ADA Coordinator fell under the umbrella of the Human Resources? Mayor Butler answered, "The ADA Coordinator can be the HR person. There is not a need for 2 people." Mayor Butler suggested the City get into compliance by appointing an ADA Coordinator. Commissioner Rix made motion to appoint Jane Kidwell as temporary ADA Coordinator so that the City will be in compliance. Commissioner Goss seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS RIX AND GOSS AND MAYOR BUTLER VOTED YES. COMMISSIONERS RINELLA AND PATTON VOTED NO.

ORDINANCE 2363 – AN AMENDMENT TO ORDINANCE 2266 ADDING SECTION “H” TO ORDINANCE 2363. Commissioner Rinella moved to accept Ordinance 2363 as presented. Commissioner Goss seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Commissioner Rinella reported Rend Lake Water District contacted the water department to get the water plant in a state of readiness. Commissioner Rinella told the Council we are working to get our plant up and running. All the water lines have to go through a thorough testing. Our agreement with Rend Lake states that we might have to run our water plant part of the time the first year after hooking on with Rend Lake. The recent hot weather has stretched Rend Lake's

production levels close to their limit. Rend Lake has had some problems with their maximum production because of problems with their membrane filters. After 4th of July, the City should be able to start producing treated water. We will be helping Rend Lake and helping the citizens of Marion by insuring the citizens a continuing supply of water. The cost to operate the water plant 40 hours a week will be about the same as purchasing the water from Rend Lake.

Commissioner Rinella moved to approve payment of the monthly bills subject to availability of funds. Commissioner Rix seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Commissioner Rix asked Attorney Green to write an Ordinance limiting the length of time a yard sale can be open. Commissioner Goss suggested that thought should be given to the Ordinance as some people depend on yard sales to make enough money to put food on their table and their means of livelihood should not be taken away from them.

Mayor Butler said a very serious matter had come to his attention. The City of Marion does not have any regulations concerning the quality of operations for hotels/motels. Mayor Butler said he has received complaints that a couple of hotels in area have unclean sheets, dirty bathrooms, etc. Commissioner Patton informed Mayor Butler that the Director of Code Enforcement, Jim Phemister and Code Enforcement Officer, Brian Van Horn and Attorney Steve Green are already working on that particular thing. Commissioner Patton told the Council that since the City of Marion will be collecting the hotel tax, he thought the City should have regulations on the hotels/motels.

7:30 P.M.

Commissioner Rinella made motion to go into Executive session to discuss a personnel item. Commissioner Rix seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

8:25 P.M.

Commissioner Rix moved to go out of Executive Session and reconvene the Regular Session. Commissioner Rinella seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Commissioner Goss made motion to dismiss the employee at the Civic Center who had displayed inappropriate behavior. Commissioner Rix seconded the motion.

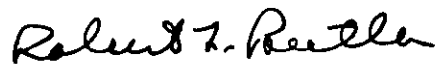
ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

8:30 P.M.

Commissioner Goss moved to adjourn the meeting. Commissioner Rix seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Meeting adjourned.



ROBERT L. BUTLER, MAYOR

ATTEST:



ALICE F. RIX, CITY CLERK